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Attorneys for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

VALERY D. HUGINS,

Plaintiff,

v.

MARTIN O'MALLEY,
Commissioner of Social Security,

Defendant.

Case No.: 2:24-cv-00734-MDC

**PARTIES' STIPULATED MOTION FOR
REMAND**

IT IS HEREBY STIPULATED by and between the parties, through their undersigned attorneys, and with the approval of the Court, that this matter be remanded on an open record for further administrative proceedings, pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the Appeals Council should instruct the administrative law judge to Further develop the record, as necessary; offer the claimant the opportunity for another administrative hearing ; reevaluate the evidence, including the medical opinion of Mirit Avram, M.D.; and issue a new decision.

1 The parties further request that the Clerk of the Court be directed to enter a final judgment in
2 favor of Plaintiff, and against Defendant, reversing the final decision of the Commissioner. Remand
3 should be made under sentence four of 42 U.S.C. § 405(g). *See Melkonyan v. Sullivan*, 501 U.S. 89
4 (1991). Upon proper presentation, the Court will consider Plaintiff's application for reasonable
5 attorney fees and expenses pursuant to 28 U.S.C. § 2412(d) and costs as enumerated in 28 U.S.C.
6 § 1920, under 28 U.S.C. § 2412(a). Judgment should be entered for Plaintiff.

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10 Dated: September 9, 2024

Respectfully submitted,

11 JASON M. FRIERSON
12 United States Attorney

13 /s/ Michael J. Mullen
14 MICHAEL J. MULLEN
Special Assistant United States Attorney

15 Attorneys for Defendant

16 Dated: September 9, 2024

17 /s/ Michael J. Mullen for*
18 JOHN METSKER
(*as authorized by email)

19 Attorney for Plaintiff

20
21 IT IS SO ORDERED:

22 
UNITED STATES MAGISTRATE JUDGE

23 DATED: 9/13/24
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CERTIFICATE OF SERVICE

I, Michael J. Mullen, certify that the following individual(s) were served with a copy of the foregoing **PARTIES' STIPULATED MOTION FOR REMAND** on the date, and via the method of service, identified below:

By CM/ECF:

John Metsker
jmetsker@metskerlaw.com

Dated: September 9, 2024

/s/ Michael J. Mullen
MICHAEL J. MULLEN
Special Assistant United States Attorney